

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1464 of 2005

30th August 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11.02.2005 in W.P.NO.22284 OF 2004 on the file of the High Court.)

Between:

B.Ramulu, S.Balaiah, 44 years, R/o.Quarter No.SD-391, J.K.Colony, Yellandu 507 123, Khammam District.

...APPELLANT/PETITIONER

AND

1. The Singareni Collieries Co.Ltd., Mandamarri Area, Mandamarri, Adilabad District and one other.

...RESPONDENTS/RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1464 OF 2005

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JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides. At their request, the Writ Appeal itself is taken up for disposal.

The appellant/petitioner, who is the employee of the respondents herein, filed this Writ Appeal against the dismissal of the Writ Petition No.22284 of 2004 on 11.02.2005, where under he sought to declare the action of the respondents in recovering the penal rent of Rs.1,500/- per month from his salary as illegal and arbitrary. The main ground on which the said Writ Petition was dismissed is that the petitioner was transferred to Mandamarri area from Yellendu area on administrative grounds but he did not vacate the quarters allotted to him and so, the respondents issued proceedings in Ref.No.MMR/SK/W.2/2004/1111, dated 19.04.2004. In spite of the said notice, the petitioner did not turn up to vacate the quarter at Yellendu area and hence, the respondents imposed penal rent of Rs.1,500/- per month.

The learned counsel for the appellant contended that consequent to his transfer and reporting at Mandamarri area, he was not allotted any quarter and hence, it is not correct to state that the appellant occupied the quarter unauthorizedly.

It is well settled in regard to allotment of quarters that the employee who has been transferred to some other place, will not have any enforceable right to claim the occupation of the quarters till the allotment of quarters at his present working place.

Hence, we do not find any merits in the Writ Appeal.

The Writ Appeal is accordingly dismissed. The appellant is given three months time for vacation of the quarter and for payment of all the rents as claimed by the respondents. No costs.

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(B.PRAKASH RAO, J)

(DR G.YETHIRAJULU, J)

30th August 2005
RRB

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